

### **REMARKS**

The Office Action mailed February 17, 2005 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

#### **I. Interview Summary**

A telephone interview with the Examiner was conducted on May 20, 2005 to discuss various features of the invention and the prior art. No agreement on the allowability of the claims was reached during the interview.

#### **II. Summary of Claims**

Claims 1-15, 30-35, 43-45, and 51-58 are currently pending in the application, with claims 1, 9, 30, 43, and 51 being independent claims. Claims 16-29, 36-42, and 46-50 are cancelled and claims 51-58 are added, in accordance with the above amendments.

#### **III. Support for Amendments**

The Examiner has requested that the Applicant point out support for recitations in new independent claims 51. Independent claim 51 recites that a material of the fusing filament is the same as a material of the outer barrier. In support of this recitation, the present application at paragraph 29, lines 5-7 states "Suitable materials for fusing filaments 230 include, therefore, thermoplastic polyurethane or any of the materials that are suitable for barrier layers 210a and 210b...."

#### **IV. Summary of Rejections**

The following claim rejections were submitted by the Examiner in the outstanding Office Action:

- Claims 1-15, 30-35, and 43-45 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,083,361 to Rudy; and
- Claims 1-2, 4-10, 12-15, 30-31, 33-35, 43, and 45 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,741,568 to Rudy.

### **V. Discussion of Applied Prior Art**

#### ***Discussion of U.S. Patent Number 5,083,361 to Rudy***

U.S. Patent Number 5,083,361 to Rudy discloses a pressurized bladder. With reference to Figures 2, 2a, and 2b, for example, the bladder includes an outer barrier 12, a fabric 14, and a pair of connecting sheets 23 and 24. Barrier 12 forms an exterior of the bladder and seals a pressurized fluid within the bladder. Fabric 14 is formed from a pair of textile layers 16 and 18 and a plurality of threads 20 that extend between textile layers 16 and 18. Connecting sheets 23 and 24 are polymer layers.

When assembled, connecting sheets 23 and 24 are effectively melted into the surface of textile layers 16 and 18. That is, threads from textile layers 16 and 18 extend into connecting sheets 23 and 24 are embedded in the solid structure of connecting sheets 23 and 24 (see Figure 4c). Connecting sheets 23 and 24 are, in turn, joined with barrier 12. Accordingly, connecting sheets 23 and 24 join to each of textile layers 16 and 18 and barrier 12. Note that textile layers 16 and 18 are not joined to barrier 12. Rather, textile layers 16 and 18 are joined to connecting sheets 23 and 24, and connecting sheets 23 and 24 are joined to barrier 12.

#### ***Discussion of U.S. Patent Number 5,741,568 to Rudy***

U.S. Patent Number 5,741,568 to Rudy discloses a pressurized bladder. With reference to Figure 2, the bladder includes a barrier 11 and a compressible insert 12. Barrier 11 forms an exterior of the bladder and seals a pressurized fluid within the bladder. Insert 12 is located within barrier 11 and is joined to barrier 11.

With reference to Figure 3, insert 12 includes a plurality of fibers 13b that extend into barrier 11, thereby joining barrier 11 and insert 12. More particularly, fibers 13b extend into barrier 11 are locked into the solid structure of barrier 11. With reference to the specification, "the discrete filaments have a denier per filament of between about 1 and 20 and a length sufficient to allow a first portion to embed in the flexible barrier material and a second portion to embed in the compressible insert" (U.S. Patent Number 5,741,568 to Rudy, column 7, lines 16-19). A similar configuration is disclosed in Figures 5A-5E.

## **VI. The Claims Patentably Distinguish Over The Applied Prior Art**

### ***Discussion of Claims 1-15, 30-35, and 43-45***

Each of independent claims 1, 9, 30, and 43 recite a bladder having an outer barrier and a core located within the outer barrier. In addition, the core includes at least one fusing filament that is fused to the outer barrier.

In contrast with independent claims 1, 9, 30, and 43, U.S. Patent Number 5,083,361 to Rudy discloses a configuration where textile layers 16 and 18 are not joined to barrier 12. Rather, textile layers 16 and 18 are joined to connecting sheets 23 and 24, and connecting sheets 23 and 24 are joined to barrier 12. Whereas independent claims 1, 9, 30, and 43 recite that the fusing filament is fused to the outer barrier, U.S. Patent Number 5,083,361 to Rudy discloses a configuration wherein textile layers 16 and 18 are joined to connecting sheets 23 and 24, rather than barrier 12. Accordingly, U.S. Patent Number 5,083,361 to Rudy does not disclose at least one fusing filament that is fused to the outer barrier.

U.S. Patent Number 5,741,568 to Rudy discloses a configuration wherein fibers are embedded within the barrier, but not fused to the barrier. Consistent with the specification of the current application, fusing occurs when elements "become blended or joined by or as if by melting together" (See Merriam-Webster's Dictionary, Tenth Edition). Merely embedding fibers 13b in barrier 11 does not qualify as fusing fibers 13b to barrier 11. In contrast with independent claims 1, 9, 30, and 43, therefore, U.S. Patent Number 5,741,568 to Rudy does not teach or suggest at least one fusing filament that is fused to the outer barrier.

Based upon the above discussion, the Applicants respectfully submit that independent claims 1, 9, 30, and 43 are allowable over both Rudy patents. In addition, each of claims 2-8, 10-15, 31-35, and 44-45 should be allowable for at least the same reasons.

### ***Discussion of Claims 51-58***

Independent claim 51 recites a bladder having an outer barrier and a core located within the outer barrier. In addition, the core includes at least one fusing filament that is fused to the outer barrier and secures the core to the outer barrier, a material of the fusing filament being the same as a material of the outer barrier.

The Rudy patents disclose various materials for the barriers, fabric, and insert, for example, but does not disclose a configuration wherein the same materials are utilized.

Accordingly, the Applicants respectfully submit that independent claim 51 is allowable over both Rudy patents. In addition, each of claims 52-58 should be allowable for at least the same reasons.

#### VII. Conclusion

In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed in response to an Office communication dated May 27, 2005 by facsimile transmission on June 14, 2005. Should additional fees or an extension of time be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

By:   
Byron S. Kuzara  
Registration No. 51,255

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Telephone: (202) 824-3000

Dated: June 14, 2005